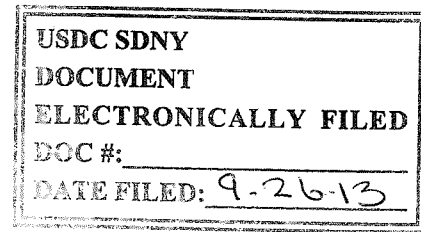


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
RHONDELESIA HERNANDEZ,

Petitioner,

-against-

ELIZABETH WILLIAMS,

Respondent.
-----X

1:10-cv-03073 (ALC) (FM)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

ANDREW L. CARTER, JR., United States District Judge:

On April 12, 2010, Petitioner Rhondelesia Hernandez ("Petitioner") filed a Petition for a Writ of Habeas Corpus ("Petition") pursuant to 28 U.S.C. § 2254. In her Petition, Petitioner challenges her conviction on one count each of Robbery in the First and Second Degrees following a jury trial in New York State Supreme Court, New York County. Petitioner asserts that (a) the trial court improperly denied her request for substitute counsel; (b) her adjudication and sentencing pursuant to the New York mandatory persistent felony offender statute was unconstitutional under Apprendi v. New Jersey, 530 U.S. 466 (2000); and (c) she was improperly sentenced as a predicate felony offender under New York's Persistent Violent Felony Offender Statute.

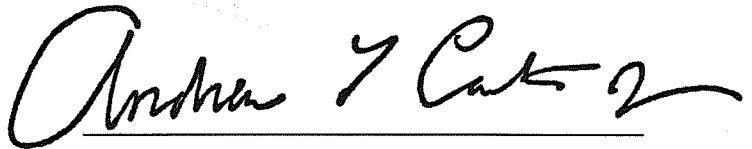
The Court referred Petitioner's case to Magistrate Judge Maas on October 15, 2010. After careful consideration, Magistrate Judge Maas issued a Report and Recommendation ("R&R") on March 12, 2013, proposing that the Petition be denied. Despite notification of the right to object to the R&R, no timely objections were filed. When no objection is made, the Court subjects the R&R to clear error review. Arthur v. Goord, No. 06 Civ. 326 (DLC), 2008 WL 482866, at *3 (S.D.N.Y. Feb. 21, 2008) ("To accept those portions of the report to which no timely objection has

been made, ‘a district court need only satisfy itself that there is no clear error on the face of the record.’” (quoting Figueroa v. Riverbay Corp., No. 06 Civ. 5364 (PAC), 2006 WL 3804581, at *1 (S.D.N.Y. Dec. 22, 2006))). The Court’s review finds no clear error, and accordingly, the Court ADOPTS Magistrate Judge Maas’s R&R in its entirety.

SO ORDERED.

Dated: September 26, 2013

New York, New York

A handwritten signature in black ink, reading "Andrew L. Carter, Jr.", written over a horizontal line.

ANDREW L. CARTER, JR.
United States District Judge